

1 (5) A voting member may not serve more than two consecutive full terms.

2 (6) To the extent practicable, the Governor and the Mayor shall fill any vacancy
 3 on the Board within 60 days of the date of the vacancy [from a list of qualified individuals
 4 submitted to the Mayor and the Governor by the State Board].

5 (k) On the joint approval of the Mayor of Baltimore City and the Governor, a member
 6 may be removed only for cause in accordance with § 3-108 of this subtitle.

7 (l) Each member of the Board serves without compensation.

8 (m) On appointment of the Board, the Governor and the Mayor shall jointly select one
 9 of the voting members to serve as the chairman of the Board who shall serve through June 30,
 10 1999.

11 (n) Beginning on July 1, 1999 and every 2 years thereafter, from among its voting
 12 members the Board shall elect a chairman.

13 (o) (1) One nonvoting student member shall be a student enrolled in the Baltimore
 14 City Public School System who shall be selected by the Associated Student Congress of
 15 Baltimore City.

16 (2) The term of a student member is 1 year.

17 (3) A student member may not serve more than two consecutive full terms.

18 (p) Any action by the Board shall require:

19 (1) A quorum of a majority of the voting members then serving; and

20 (2) The affirmative vote of a majority of the voting members then serving.

21 SECTION 32. AND BE IT FURTHER ENACTED, That:

22 (a) As to the preparation of any report required under this Act, a person may not
 23 knowingly and willfully:

24 (1) Falsify or conceal a material fact;

25 (2) Make a false, fictitious, or fraudulent representation; or

26 (3) Make or use a document that contains a false, fictitious, or fraudulent
 27 representation; and

28 (b) A person who violates this section is guilty of a misdemeanor and on
 29 conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than
 30 1 year or both.

31 SECTION 29. AND BE IT FURTHER ENACTED, That:

32 29-I. Grants Contingent Upon Funding.

33 In each year in which funds are provided to Baltimore City pursuant to Section 7 of this
 34 Act, subject to approval of the General Assembly, the Governor shall provide in the State
 35 budget the amounts provided in this section for the jurisdictions indicated.

1 29-2. Abrogation Provisions.

2 (a) The provisions of this section shall remain in effect until June 30, 2002, after which
 3 they shall be abrogated and of no further force and effect without further action by the General
 4 Assembly.

5 (b) If the General Assembly fails to appropriate the funds described in this section for
 6 any of the fiscal years, this Act shall be abrogated effective on the last day of the last fiscal year
 7 for which funds were appropriated.

8 29-3. Additional funding.9 (a) New Targeted Poverty Program.

10 The following funds shall be provided for the New Targeted Poverty Program beginning
 11 with the Fiscal Year 1998 State budget:

| | | |
|----|---|--------------------|
| 12 | (1) <u>Allegany County.....</u> | <u>\$ 484,128;</u> |
| 13 | (2) <u>Anne Arundel County.....</u> | <u>1,038,816;</u> |
| 14 | (3) <u>Baltimore County.....</u> | <u>2,446,368;</u> |
| 15 | (4) <u>Calvert County.....</u> | <u>184,032;</u> |
| 16 | (5) <u>Caroline County.....</u> | <u>212,448;</u> |
| 17 | (6) <u>Carroll County.....</u> | <u>215,040;</u> |
| 18 | (7) <u>Cecil County.....</u> | <u>301,056;</u> |
| 19 | (8) <u>Charles County.....</u> | <u>455,424;</u> |
| 20 | (9) <u>Dorchester County.....</u> | <u>220,800;</u> |
| 21 | (10) <u>Frederick County.....</u> | <u>445,728;</u> |
| 22 | (11) <u>Garrett County.....</u> | <u>216,192;</u> |
| 23 | (12) <u>Harford County.....</u> | <u>612,960;</u> |
| 24 | (13) <u>Howard County.....</u> | <u>326,880;</u> |
| 25 | (14) <u>Kent County.....</u> | <u>95,616;</u> |
| 26 | (15) <u>Montgomery County.....</u> | <u>2,469,216;</u> |
| 27 | (16) <u>Prince George's County.....</u> | <u>4,840,416;</u> |
| 28 | (17) <u>Queen Anne's County.....</u> | <u>117,216;</u> |
| 29 | (18) <u>St. Mary's County.....</u> | <u>361,632;</u> |
| 30 | (19) <u>Somerset County.....</u> | <u>168,192;</u> |
| 31 | (20) <u>Talbot County.....</u> | <u>110,016;</u> |
| 32 | (21) <u>Washington County.....</u> | <u>571,200;</u> |

| | | |
|---|------------------------------------|----------|
| 1 | (22) <u>Wicomico County</u> | 443,808; |
| 2 | (23) <u>Worcester County</u> | 226,176. |

3 The total additional grant under this subsection is \$16,563,360.

4 (b) Limited English Proficiency Program.

5 The following additional funds shall be provided in addition to any funds appropriated
 6 for a county board of education pursuant to the Limited English Proficiency Program
 7 established in § 5-206 of the Education Article:

| | | |
|----|--|------------|
| 8 | (1) <u>Anne Arundel County</u> | \$ 40,500; |
| 9 | (2) <u>Baltimore City</u> | 81,000; |
| 10 | (3) <u>Baltimore County</u> | 45,000; |
| 11 | (4) <u>Caroline County</u> | 4,000; |
| 12 | (5) <u>Carroll County</u> | 11,000; |
| 13 | (6) <u>Cecil County</u> | 2,500; |
| 14 | (7) <u>Charles County</u> | 5,000; |
| 15 | (8) <u>Dorchester County</u> | 5,500; |
| 16 | (9) <u>Frederick County</u> | 2,500; |
| 17 | (10) <u>Harford County</u> | 16,500; |
| 18 | (11) <u>Howard County</u> | 37,500; |
| 19 | (12) <u>Kent County</u> | 3,500; |
| 20 | (13) <u>Montgomery County</u> | 1,129,000; |
| 21 | (14) <u>Prince George's County</u> | 465,500; |
| 22 | (15) <u>Queen Anne's County</u> | 1,000; |
| 23 | (16) <u>St. Mary's County</u> | 6,000; |
| 24 | (17) <u>Somerset County</u> | 4,000; |
| 25 | (18) <u>Talbot County</u> | 3,000; |
| 26 | (19) <u>Washington County</u> | 15,000; |
| 27 | (20) <u>Wicomico County</u> | 19,500; |
| 28 | (21) <u>Worcester County</u> | 6,000. |

29 The total additional grant under this subsection is \$1,903,500.

30 (c) Aging School Program.

The following funds shall be provided for the Aging School Program, which shall be administered by the Interagency Committee on Public School Construction, beginning with the Fiscal Year 1998 State budget:

| | | |
|------|-------------------------------|--------------------|
| (1) | <u>Allegany County</u> | <u>\$ 150,000;</u> |
| (2) | <u>Anne Arundel County</u> | <u>240,000;</u> |
| (3) | <u>Baltimore City</u> | <u>120,000;</u> |
| (4) | <u>Baltimore County</u> | <u>1,750,000;</u> |
| (5) | <u>Calvert County</u> | <u>25,000;</u> |
| (6) | <u>Caroline County</u> | <u>35,000;</u> |
| (7) | <u>Carroll County</u> | <u>180,000;</u> |
| (8) | <u>Cecil County</u> | <u>150,000;</u> |
| (9) | <u>Charles County</u> | <u>25,000;</u> |
| (10) | <u>Dorchester County</u> | <u>25,000;</u> |
| (11) | <u>Frederick County</u> | <u>35,000;</u> |
| (12) | <u>Garrett County</u> | <u>35,000;</u> |
| (13) | <u>Harford County</u> | <u>180,000;</u> |
| (14) | <u>Howard County</u> | <u>25,000;</u> |
| (15) | <u>Kent County</u> | <u>25,000;</u> |
| (16) | <u>Montgomery County</u> | <u>510,000;</u> |
| (17) | <u>Prince George's County</u> | <u>420,000;</u> |
| (18) | <u>Queen Anne's County</u> | <u>35,000;</u> |
| (19) | <u>St. Mary's County</u> | <u>35,000;</u> |
| (20) | <u>Somerset County</u> | <u>25,000;</u> |
| (21) | <u>Talbot County</u> | <u>60,000;</u> |
| (22) | <u>Washington County</u> | <u>90,000;</u> |
| (23) | <u>Wicomico County</u> | <u>150,000;</u> |
| (24) | <u>Worcester County</u> | <u>25,000.</u> |

The total grant under this subsection is \$4,350,000.

(d) Extended Elementary Education Program.

Beginning with Fiscal Year 1998, the Governor shall include in each year's operating budget no less than the amount appropriated in Fiscal Year 1997 for the Extended Elementary

1 Education Program. In addition to that amount, the following additional funds shall be
 2 provided to each county board of education.

| | | |
|----|---------------------------------------|------------|
| 3 | (1) <u>Allegany County</u> | \$ 35,000; |
| 4 | (2) <u>Anne Arundel County</u> | 245,000; |
| 5 | (3) <u>Baltimore City</u> | 105,000; |
| 6 | (4) <u>Baltimore County</u> | 210,000; |
| 7 | (5) <u>Caroline County</u> | 105,000; |
| 8 | (6) <u>Cecil County</u> | 175,000; |
| 9 | (7) <u>Charles County</u> | 490,000; |
| 10 | (8) <u>Frederick County</u> | 175,000; |
| 11 | (9) <u>Garrett County</u> | 35,000; |
| 12 | (10) <u>Harford County</u> | 280,000; |
| 13 | (11) <u>Howard County</u> | 140,000; |
| 14 | (12) <u>Kent County</u> | 35,000; |
| 15 | (13) <u>Montgomery County</u> | 210,000; |
| 16 | (14) <u>Queen Anne's County</u> | 70,000; |
| 17 | (15) <u>St. Mary's County</u> | 140,000; |
| 18 | (16) <u>Somerset County</u> | 35,000; |
| 19 | (17) <u>Talbot County</u> | 105,000; |
| 20 | (18) <u>Washington County</u> | 140,000; |
| 21 | (19) <u>Wicomico County</u> | 490,000; |
| 22 | (20) <u>Worcester County</u> | 70,000. |

23 The total additional grant under this subsection is \$3,290,000.

24 (e) State Aid for Community Colleges.

25 The following additional funds shall be provided in addition to any funds appropriated
 26 for a community college board pursuant to the State Aid for Community Colleges Program
 27 established in § 16-305 of the Education Article.

| | | |
|----|---|-------------|
| 28 | (1) <u>Allegany Community College</u> | \$ 160,861; |
| 29 | (2) <u>Cecil Community College</u> | 74,121; |
| 30 | (3) <u>Chesapeake Community College</u> | 4,909; |
| 31 | (4) <u>Frederick Community College</u> | 97,133; |

(5) Garrett Community College..... 91,445.

(6) Harford Community College..... 145,848.

(7) Hagerstown Community College..... 165,181.

The total additional grant under this subsection is \$739,498.

(f) Mentoring Program Grants - Baltimore County.

Beginning with Fiscal Year 1998, the Baltimore County Board of Education shall receive a grant for the Teacher Mentoring Program in an amount not less than the amount received in Fiscal Year 1997, increased by \$2,400,000.

(g) Gifted and Talented Programs - Montgomery County.

Beginning with Fiscal Year 1998, the Montgomery County Board of Education shall receive a grant to support Gifted and Talented Programs in the amount of \$2,000,000.

(h) Magnet Schools Program - Prince George's County.

Beginning with Fiscal Year 1998, the Prince George's County Board of Education shall receive a grant for the Magnet Schools Program in an amount not less than the amount received in Fiscal Year 1997, increased by \$1,100,000.

SECTION 14. ~~32, 33, 30.~~ AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

June 1, 1997

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

1 Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities
2 transferred, the liabilities shall be retained by the Mayor and City Council. Additionally,
3 during any fiscal year after Fiscal Year 1997, liability for payments at separation or
4 retirement of employees from the Board for leave accumulated and unused prior to June
5 30, 1997, on terms applicable as of that date, shall be shared as follows: (1) liability up to
6 \$3,500,000 shall be borne by the New Baltimore City Board of School Commissioners
7 provided that such amount is transferred annually to the Board as part of the Education
8 Budget; (2) liability exceeding \$3,500,000 shall be shared equally by the New Baltimore
9 City Board of School Commissioners and the Mayor and City Council, provided that the
10 total aggregate liability of the Board under this subsection (2) for all fiscal years
11 combined may not exceed \$10,500,000; and (3) liability in excess of \$10,500,000 shall be
12 borne by the Mayor and City Council.

13 SECTION 4. AND BE IT FURTHER ENACTED, That all services provided to the
14 Baltimore City Public School System by other units of the Baltimore City Government as
15 of the effective date of this Act that are not otherwise specifically altered by this Act,
16 including but not limited to public works and transportation services, shall continue to be
17 provided to the New Baltimore City Board of School Commissioners without diminution
18 on the same basis and without an increase in any rate of compensation, unless and until
19 otherwise provided by agreement between the Mayor and City Council and the New
20 Baltimore City Board of School Commissioners; however, any agreement shall be
21 submitted for review and comment to the House Appropriations and Ways and Means
22 Committees and the Senate Budget and Taxation and Economic and Environmental
23 Affairs Committees of the General Assembly on or before March 1 of the calendar year
24 in which the agreement would take effect.

25 SECTION 4.5. AND BE IT FURTHER ENACTED, That, as of the effective date
26 of this Act, each certificated and noncertificated employee of the Baltimore City Public
27 School System shall become a member of the personnel system established by the New
28 Baltimore City Board of School Commissioners in accordance with § 4-313 § 4-311 of the
29 Education Article, as enacted by this Act, except that noninstructional senior level staff of
30 the central administration shall reapply to the Board for continued employment upon the
31 reorganization. Upon the reorganization, noninstructional supervisory personnel of the
32 central administration, shall reapply to the Board for continued employment in positions
33 in central administration. Such personnel include: Directors I, II, and III, Assistant
34 Superintendents, Area Assistant Superintendents, Deputy Superintendents, and Chief
35 Aides to the Superintendent, but exclude principals and school-based staff. All
36 certificated employees who held tenure under §§ 6-201(f) and 6-202(b) of the Education
37 Article before the effective date of this Act shall continue to hold tenure in the Baltimore
38 City Public School System subject to removal as provided in § 6-202 of the Education
39 Article. For the purposes of this section, the fifteen all nonprobationary noninstructional
40 supervisory noncertificated employees shall remain employed by the Board subject to
41 removal for cause in accordance with the provisions of § 4-205(c) of the Education
42 Article.

43 SECTION 5. 6. AND BE IT FURTHER ENACTED, That, on or before April 30,
44 February 1, 2000, a consultant shall complete an interim review of the Baltimore City
45 Public School System and report the findings of the evaluation to the Governor, the
46 Mayor, and, in accordance with § 2-1312 of the State Government Article, the General

1 Assembly. The New Baltimore City Board of School Commissioners and the Maryland
 2 State Department of Education shall jointly select and equally share the cost of the
 3 consultant and determine the scope of the interim review. At a minimum, the interim
 4 review shall evaluate both the educational and management reforms made by the New
 5 Baltimore City Board of School Commissioners. The review may include
 6 recommendations to the General Assembly concerning changes to the structure and
 7 power of the Board, in addition to recommendations to the Board concerning
 8 modifications to the Master Plan adopted in accordance with this Act. On or before
 9 December 1, 2001, a consultant shall conduct a final comprehensive review and
 10 evaluation of the New Baltimore City Board of School Commissioners. The Board and the
 11 Maryland State Department of Education shall jointly select and equally share the cost of
 12 the consultant and determine the scope of the final comprehensive review. At a minimum,
 13 the comprehensive review and evaluation shall determine whether there has been
 14 improvement in the management of and student achievement in the public schools in
 15 Baltimore City. The consultant shall report the findings of the evaluation to the
 16 Governor, the Mayor, and, in accordance with § 2-1312 of the State Government Article,
 17 the General Assembly. The consultant may shall make recommendations, if any,
 18 concerning the continuation, modification, or termination of the New Baltimore City
 19 Board of School Commissioners and governance system established by this Act.

20 SECTION 6. 7. AND BE IT FURTHER ENACTED, That the provisions of this
 21 Act reflect the terms of the consent decrees entered in the cases "Bradford, et al v.
 22 Maryland State Board of Education, et al", case no. 94340058/CE189672; "Board of
 23 School Commissioners, et al v. Maryland State Board of Education, et al", case no.
 24 9528055/CL2002151, Baltimore City Circuit Court; and "Vaughn G., et al v. Mayor and
 25 City Council, et al", case no. MJG-84-1911, United States District Court for the District
 26 of Maryland and reflect a commitment to appropriate additional funds for the Baltimore
 27 City public schools in the following amounts: \$30 million in Fiscal Year 1998 and \$50
 28 million in each of Fiscal Years 1999 through 2002, inclusive.

29 SECTION 7. 8. AND BE IT FURTHER ENACTED, That, consistent with the
 30 consent decrees described in Section 6 7 of this Act, the State is committed to
 31 appropriating additional funds to Baltimore City if the City's full time equivalent
 32 enrollment, as determined under § 5-202(a)(7) of the Education Article, for purposes of
 33 calculating the State share of basic current expenses under § 5-202(b) of the Education
 34 Article in Fiscal Years 1998 through 2002 2001, is less than Baltimore City's current
 35 enrollment projections for those fiscal years. For any fiscal year in which the enrollment
 36 utilized in calculating the State share of basic current expenses is less than the current
 37 enrollment projection, the additional funds appropriated to Baltimore City shall equal the
 38 difference between the projected enrollment for Baltimore City and the full time
 39 equivalent enrollment for Baltimore City, as determined under § 5-202(a)(7) of the
 40 Education Article, multiplied times Baltimore City's State share of basic current expenses
 41 per full time equivalent student for that fiscal year. For purposes of this section,
 42 "Baltimore City's current enrollment projections" means the following:

- 43 101,648.0 for Fiscal Year 1998 aid;
- 44 97,841.5 for Fiscal Year 1999 aid;
- 45 94,616.5 for Fiscal Year 2000 aid; and

1 91,479.0 for Fiscal Year 2001 aid; and

2 89,197.5 for Fiscal Year 2002 aid. That for the purposes of calculating "State aid" in §
3 5-202 (b) of the Education Article, the additional funds set forth in Section 7 of this Act shall
4 not be considered State aid.

5 SECTION 8. 2. AND BE IT FURTHER ENACTED, That the financial
6 commitment enumerated in Section 6 7 of this Act shall be separate from established
7 State funding pursuant to APEX and other current or additional State funds provided to
8 the Baltimore City public schools. If new any new source of revenue becomes available to
9 the State during Fiscal Year 1998 through Fiscal Year 2002, and such revenue is
10 dedicated in whole or in part to education generally, the Baltimore City public schools
11 shall receive its designated share of those revenues without reduction of the additional
12 funds detailed in the consent decrees referenced in Section 6 7 of this Act. Furthermore,
13 the additional State funds described in Section 6 7 of this Act and the consent decrees
14 may not be provided by reducing any other State funds provided to Baltimore City.
15 Nothing in this Act, however, shall prevent the Governor or the General Assembly from
16 reducing local aid to Baltimore City as part of any general statewide reduction in local aid
17 for a special project or purpose. Baltimore City may not use any of this additional funding
18 to meet any statutory obligation to maintain levels of local funding for education.

19 SECTION 9. AND BE IT FURTHER ENACTED, That each collective bargaining
20 agreement that is in effect on the effective date of this Act shall remain in force and
21 effect through June 30, 1997. The New Baltimore City Board of School Commissioners
22 shall review each of these agreements to determine if the provisions of the agreement are
23 consistent with the purposes of the Master Plan and may negotiate changes to an
24 agreement.

25 SECTION 10. AND BE IT FURTHER ENACTED, That each existing extended
26 or continued collective bargaining agreement including all memoranda of understanding
27 for Baltimore City public school employees that is in effect on the effective date of this
28 Act shall remain in full force and effect through June 30, 1997. These agreements
29 including memoranda of understanding shall remain in full force and effect thereafter,
30 except as otherwise modified by this Act, until the New Baltimore City Board of School
31 Commissioners negotiates changes to the agreements. Additionally, the New Baltimore
32 City Board of School Commissioners shall review each of these agreements to determine
33 if the provisions of the agreement are consistent with the purposes of the Master Plan and
34 may negotiate changes to an agreement.

35 SECTION 11. AND BE IT FURTHER ENACTED, That the New Baltimore City
36 Board of School Commissioners shall initially recognize and bargain with each employee
37 organization that, prior to the effective date of this Act, was recognized as a bargaining
38 agent for a unit that included any Baltimore City public school employee as defined by
39 either § 6-501(f) of the Education Article, as amended by this Act, or the Baltimore City
40 Municipal Employee Relations Ordinance. Subsequently, the designation of the exclusive
41 representative employee organization and the determination of the composition of the
42 units shall be in accordance with Title 6, Subtitles 4 and 5 of the Education Article. All
43 collective bargaining agreements for the certificated and noncertificated employees of the
44 New Baltimore City Board of School Commissioners shall be separate agreements from
45 the collective bargaining agreements for the employees of the City of Baltimore.

1 SECTION 12. AND BE IT FURTHER ENACTED, That, pending establishment
2 of the personnel system under § 4-311 of the Education Article, as enacted by this Act, all
3 nonprobationary, noncertificated employees of the Baltimore City Public School System
4 may be dismissed only for cause in accordance with the provisions of § 4-205(c) of the
5 Education Article.

6 SECTION 13. AND BE IT FURTHER ENACTED, That the personnel system
7 under § 4-311 of the Education Article, as enacted by this Act, shall include a cause
8 standard for dismissal of noncertificated employees.

9 SECTION 14. AND BE IT FURTHER ENACTED, That the Chief Academic
10 Officer shall develop a mechanism or plan for effective teacher participation in the
11 development of the curriculum, instruction, and professional staff development.

12 SECTION 15. AND BE IT FURTHER ENACTED, That as of the effective date
13 of this Act, all noncertificated employees of the Baltimore City Public School System who
14 are employed by the New Baltimore City Board of School Commissioners and who were
15 covered as civil service employees under the Charter of Baltimore City shall through June
16 30, 1998:

- 17 (1) Continue to be carried on the official roster of the City civil service;
- 18 (2) Continue to hold and accrue service credit within the City civil service
19 while employed by the Board as if the employee remained an employee of the Mayor and
20 City Council;
- 21 (3) Suffer no break in seniority or service for leaving City employment;
- 22 (4) Remain fully qualified for placement on the reemployment list for his or
23 her former classification and for any other classification for which the employee qualifies;
- 24 (5) Remain eligible, to the extent qualified, to be placed on any promotion
25 or transfer list issued or maintained under the Charter; and
- 26 (6) Remain eligible for employment by the Mayor and City Council of
27 Baltimore should the employee be displaced or laid off by the Board by no fault of the
28 employee.

29 SECTION 16. AND BE IT FURTHER ENACTED, That, as of the effective date
30 of this Act, all noncertificated employees of the Baltimore City Public School System who
31 are employed by the New Baltimore City Board of School Commissioners and who were
32 covered as civil service employees under the Baltimore City Charter shall retain, as long
33 as the New Baltimore City Board of School Commissioners is in place, their eligibility,
34 seniority, and continuous service status for the sole purpose of application for
35 reemployment by the Mayor and City Council of Baltimore should the employee be
36 displaced or laid off by the Board through no fault of the employee. This provision applies
37 only to displacement of employees of the New Baltimore City Board of School
38 Commissioners and does not provide for transfer rights of employees between the New
39 Baltimore City Board of School Commissioners and City employment.

40 SECTION 17. AND BE IT FURTHER ENACTED, That, as of the effective date
41 of this Act, each employee of the Baltimore City Public School System shall retain all sick

1 leave, personal leave, and vacation leave to the extent earned and unused as a City
2 employee. Each employee of the Baltimore City Public School System shall retain the
3 right, upon leaving employment with the New Baltimore City Board of School
4 Commissioners, to convert to cash one day of unused sick leave for each 4 days of sick
5 leave accrued prior to the effective date of this Act. Conversion of sick leave accrued after
6 the effective date of this Act shall be subject to negotiation between the New Baltimore
7 City Board of School Commissioners and the employee organization. For the purposes of
8 this section, neither employment with the Board nor transfer between employment with
9 Baltimore City and the Board constitutes separation from employment with Baltimore
10 City.

11 SECTION 18. AND BE IT FURTHER ENACTED, That through December 31,
12 1998, the New Baltimore City Board of School Commissioners shall provide to each
13 employee of the Baltimore City Public School System the same health care benefits at the
14 same employee or participant costs as available through the Mayor and City Council of
15 Baltimore to the civil service employees of the City under the health insurance program of
16 Baltimore City. Thereafter, the Board may opt to continue with the Baltimore City health
17 care benefits program or select another benefits program.

18 SECTION 19. AND BE IT FURTHER ENACTED, That:

19 (1) An individual who is an employee of the Baltimore City Public School
20 System on or before the effective date of this Act shall continue as a member of the:

21 (i) Teachers' Retirement System or Teachers' Pension System as a
22 condition of employment, if the individual is a member of the State system; and

23 (ii) Employees' Retirement System of Baltimore City as a condition of
24 employment, if the individual is a member of the City system;

25 (2) Except as provided in paragraph (3) of this section, an individual who
26 becomes an employee of the Baltimore City Public School System after the effective date
27 of this Act shall become a member of the Teachers' Pension System as a condition of
28 employment if the Board of Trustees of the State Retirement and Pension System
29 determines that the individual is eligible for membership in the State system by applying
30 the criteria set forth in § 23-206 of the State Personnel and Pensions Article and
31 COMAR 22.04.03; and

32 (3) An individual shall become a member of the Employees' Retirement
33 System of Baltimore City subject to Article 22, Section 9(a)(1) of the Baltimore City Code
34 if:

35 (i) The individual becomes an employee of the Baltimore Public
36 School System after the effective date of this Act; and

37 (ii) The Board of Trustees of the State Retirement and Pension
38 System determines that the individual is not eligible for membership in the Teachers'
39 Pension System.

40 SECTION 20. AND BE IT FURTHER ENACTED, That on or after the effective
41 date of this Act, the New Baltimore City Board of School Commissioners shall pay:

1 (1) To the Board of Trustees of the State Retirement and Pension System,
2 for each employee of the Baltimore City Public School System who is a member of the
3 Teachers' Retirement System or Teachers' Pension System, any penalty or interest as
4 prescribed by law if member contributions are not paid when and as due; and

5 (2) To the Board of Trustees of the Employees' Retirement System of
6 Baltimore City, for each employee who is a member of the Employees' Retirement
7 System of Baltimore City, employer and employee contributions at the rate and in the
8 manner required by the Board of Trustees.

9 SECTION 10. AND BE IT FURTHER ENACTED, That an appeal from a ruling
10 of the Circuit Court for Baltimore City regarding requests for funding for Fiscal Years
11 2001 and 2002 in amounts greater than that described in Section 6 of this Act pursuant to
12 the terms of the consent decrees described in Section 6 of this Act shall be directed to the
13 Court of Appeals on an expedited basis, with the Court of Appeals decision issued within
14 60 days after the written briefing is completed.

15 SECTION 21. AND BE IT FURTHER ENACTED, That the General Assembly
16 does not concede that the students of the Baltimore City Public School System were
17 receiving a constitutionally inadequate education, but does wish to improve the
18 educational achievements of students in Baltimore City by reforming the management of
19 the Baltimore City Public School System and assuring available funds to implement this
20 management reform and to improve student achievement.

21 SECTION 11. 22. AND BE IT FURTHER ENACTED, That this Act may not
22 take effect until the passage of the State Budget Bill by the General Assembly, which
23 includes an appropriation of \$30 million in additional funds as described in Section 67 of
24 this Act for the following purposes: (1) to have a direct and substantial impact on
25 improving academic achievement; (2) to improve the educational performance of schools
26 having a high percentage of students living in poverty; (3) to improve the educational
27 performance of reconstitution eligible schools and other schools that are both failing to
28 meet Maryland School Performance Program standards and failing to show progress
29 toward meeting those standards; (4) to begin implementation of a new
30 performance-based system-wide evaluation system for teachers, principals, and
31 administrators; (4) (5) to make progress toward meeting teacher salary parity with
32 Baltimore County; (6) to begin implementation of a comprehensive system for accurately
33 tracking student enrollment and attendance in accordance with the requirements of the
34 Maryland Student Records System Manual with full implementation by January 1, 1999;
35 and (5) (7) and (6) to implement other improvements that directly support improved
36 classroom instruction, including technology enhancements, individual professional
37 development, and curriculum development; except that no portion of the \$30 million may
38 be spent to make progress toward teacher salary parity with Baltimore County until a
39 performance-based system-wide personnel evaluation system has been developed by the
40 New Baltimore City Board of School Commissioners and reviewed and commented on by
41 the State Board of Education.

42 SECTION 23. AND BE IT FURTHER ENACTED, That the \$30 million
43 appropriation in Fiscal Year 1998 as described in Section 7 of this Act shall be disbursed
44 to the New Baltimore City Board of School Commissioners as follows: (1) \$15 million on
45 July 1, 1997; and (2) \$15 million after adoption by the Board of the Transition Plan as

1 required by § 4-311 of the Education Article as amended by this Act, which includes the
2 specific purposes for which the \$30 million will be used, as described in Section 22 of this
3 Act.

4 SECTION 24. AND BE IT FURTHER ENACTED, That, if the General
5 Assembly fails to appropriate the funds for any of the fiscal years described in Section 6
6 7 of this Act, this Act shall be abrogated effective on the last day of the last fiscal year for
7 which funds were appropriated.

8 SECTION 25. AND BE IT FURTHER ENACTED, That upon appointment, the
9 New Baltimore City Board of School Commissioners shall expeditiously establish a new
10 financial reporting system which adequately tracks and reports school and system
11 expenditures by function and by program for each school site and for the total system
12 using an established financial model that can apply to all school systems. The financial
13 reporting system should enhance the Board's ability to make informed decisions and the
14 public's awareness of how public funds are spent. Reports using this model should be in
15 place by July 1, 1998, in order to provide for public reporting of Fiscal Year 1999
16 expenditures.

17 SECTION 26. AND BE IT FURTHER ENACTED, That by November 1, 1997, a
18 financial audit of the Baltimore City Public School System shall be performed by an
19 independent auditor to reconcile the financial accounts of the school system.

20 SECTION 27. AND BE IT FURTHER ENACTED, That the Baltimore City Board
21 of School Commissioners shall initiate a search process for a permanent Chief Executive
22 Officer (CEO) no later than 30 days after appointment. The Board may appoint an
23 interim CEO if it is not feasible to hire a permanent CEO immediately, and must appoint
24 an interim CEO no later than June 15, 1997. The interim CEO shall not be eligible for
25 appointment as the permanent CEO. The Board must appoint a permanent CEO no later
26 than October 30, 1997, unless extenuating circumstances exist as determined by the
27 Board, in consultation with the State Board of Education. In this event, the Board must
28 appoint a permanent CEO no later than December 31, 1997.

29 SECTION 28. AND BE IT FURTHER ENACTED, That (i) the appointment of
30 the members of the Parent and Community Advisory Board described in § 4-308 of the
31 Education Article, as enacted by this Act, shall be as follows:

32 (i) The Plaintiffs (parents of students with disabilities) in Vaughn G.
33 et al v. Meyer and City Council, et al Case No. MJC 84-1011, United States District
34 Court for the District of Maryland shall appoint three members of the Advisory Board;

35 (ii) The Plaintiffs (parents of students in general education) in
36 Bradford, et al v. Maryland State Board of Education, et al, Case No.
37 94240058/CE192672, Circuit Court for Baltimore City shall appoint two members of the
38 Advisory Board;

39 (iii) Subject to the approval of the Board, the Chief Executive Officer
40 shall appoint seven members of the Advisory Board as follows:

41 1. Three shall be appointed from a list submitted by the
42 Baltimore City Council of Parent Teacher Associations;

1 Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities
2 transferred, the liabilities shall be retained by the Mayor and City Council. Additionally,
3 during any fiscal year after Fiscal Year 1997, liability for payments at separation or
4 retirement of employees from the Board for leave accumulated and unused prior to June
5 30, 1997, on terms applicable as of that date, shall be shared as follows: (1) liability up to
6 \$3,500,000 shall be borne by the New Baltimore City Board of School Commissioners
7 provided that such amount is transferred annually to the Board as part of the Education
8 Budget; (2) liability exceeding \$3,500,000 shall be shared equally by the New Baltimore
9 City Board of School Commissioners and the Mayor and City Council, provided that the
10 total aggregate liability of the Board under this subsection (2) for all fiscal years
11 combined may not exceed \$10,500,000; and (3) liability in excess of \$10,500,000 shall be
12 borne by the Mayor and City Council.

13 SECTION 4. AND BE IT FURTHER ENACTED, That all services provided to the
14 Baltimore City Public School System by other units of the Baltimore City Government as
15 of the effective date of this Act that are not otherwise specifically altered by this Act,
16 including but not limited to public works and transportation services, shall continue to be
17 provided to the New Baltimore City Board of School Commissioners without diminution
18 on the same basis and without an increase in any rate of compensation, unless and until
19 otherwise provided by agreement between the Mayor and City Council and the New
20 Baltimore City Board of School Commissioners; however, any agreement shall be
21 submitted for review and comment to the House Appropriations and Ways and Means
22 Committees and the Senate Budget and Taxation and Economic and Environmental
23 Affairs Committees of the General Assembly on or before March 1 of the calendar year
24 in which the agreement would take effect.

25 SECTION 4.5. AND BE IT FURTHER ENACTED, That, as of the effective date
26 of this Act, each certificated and noncertificated employee of the Baltimore City Public
27 School System shall become a member of the personnel system established by the New
28 Baltimore City Board of School Commissioners in accordance with § 4-211 of the
29 Education Article, as enacted by this Act, except that noninstructional senior-level staff of
30 the central administration shall reapply to the Board for continued employment upon the
31 reorganization. Upon the reorganization, noninstructional supervisory personnel of the
32 central administration, shall reapply to the Board for continued employment in positions
33 in central administration. Such personnel include: Directors I, II, and III, Assistant
34 Superintendents, Area Assistant Superintendents, Deputy Superintendents, and Chief
35 Aides to the Superintendent, but exclude principals and school-based staff. All
36 certificated employees who held tenure under §§ 6-201(f) and 6-202(b) of the Education
37 Article before the effective date of this Act shall continue to hold tenure in the Baltimore
38 City Public School System subject to removal as provided in § 6-202 of the Education
39 Article. For the purposes of this section, the fifteen all nonprobationary noninstructional
40 supervisory noncertificated employees shall remain employed by the Board subject to
41 removal for cause in accordance with the provisions of § 4-205(c) of the Education
42 Article.

43 SECTION 5.6. AND BE IT FURTHER ENACTED, That, on or before April 30,
44 February 1, 2000, a consultant shall complete an interim review of the Baltimore City
45 Public School System and report the findings of the evaluation to the Governor, the
46 Mayor, and, in accordance with § 2-1312 of the State Government Article, the General

1 Assembly. The New Baltimore City Board of School Commissioners and the Maryland
 2 State Department of Education shall jointly select and equally share the cost of the
 3 consultant and determine the scope of the interim review. At a minimum, the interim
 4 review shall evaluate both the educational and management reforms made by the New
 5 Baltimore City Board of School Commissioners. The review may include
 6 recommendations to the General Assembly concerning changes to the structure and
 7 power of the Board, in addition to recommendations to the Board concerning
 8 modifications to the Master Plan adopted in accordance with this Act. On or before
 9 December 1, 2001, a consultant shall conduct a final comprehensive review and
 10 evaluation of the New Baltimore City Board of School Commissioners. The Board and the
 11 Maryland State Department of Education shall jointly select and equally share the cost of
 12 the consultant and determine the scope of the final comprehensive review. At a minimum,
 13 the comprehensive review and evaluation shall determine whether there has been
 14 improvement in the management of and student achievement in the public schools in
 15 Baltimore City. The consultant shall report the findings of the evaluation to the
 16 Governor, the Mayor, and, in accordance with § 2-1312 of the State Government Article,
 17 the General Assembly. The consultant may shall make recommendations, if any,
 18 concerning the continuation, modification, or termination of the New Baltimore City
 19 Board of School Commissioners and governance system established by this Act.

20 SECTION 6. 7. AND BE IT FURTHER ENACTED, That the provisions of this
 21 Act reflect the terms of the consent decrees entered in the cases "Bradford, et al v.
 22 Maryland State Board of Education, et al", case no. 94340058/CE189672; "Board of
 23 School Commissioners, et al v. Maryland State Board of Education, et al", case no.
 24 9528055/CL2002151, Baltimore City Circuit Court; and "Vaughn G., et al v. Mayor and
 25 City Council, et al", case no. MJG-84-1911, United States District Court for the District
 26 of Maryland and reflect a commitment to appropriate additional funds for the Baltimore
 27 City public schools in the following amounts: \$30 million in Fiscal Year 1998 and \$50
 28 million in each of Fiscal Years 1999 through 2002, inclusive.

29 ~~SECTION 7. 8. AND BE IT FURTHER ENACTED, That, consistent with the~~
 30 ~~consent decrees described in Section 6 7 of this Act, the State is committed to~~
 31 ~~appropriating additional funds to Baltimore City if the City's full-time equivalent~~
 32 ~~enrollment, as determined under § 5-202(a)(7) of the Education Article, for purposes of~~
 33 ~~calculating the State share of basic current expenses under § 5-202(b) of the Education~~
 34 ~~Article in Fiscal Years 1998 through 2002 2001, is less than Baltimore City's current~~
 35 ~~enrollment projections for those fiscal years. For any fiscal year in which the enrollment~~
 36 ~~utilized in calculating the State share of basic current expenses is less than the current~~
 37 ~~enrollment projection, the additional funds appropriated to Baltimore City shall equal the~~
 38 ~~difference between the projected enrollment for Baltimore City and the full-time~~
 39 ~~equivalent enrollment for Baltimore City, as determined under § 5-202(a)(7) of the~~
 40 ~~Education Article, multiplied times Baltimore City's State share of basic current expenses~~
 41 ~~per full-time equivalent student for that fiscal year. For purposes of this section,~~
 42 ~~"Baltimore City's current enrollment projections" means the following~~

43 101,648.0 for Fiscal Year 1998 aid;
 44 97,842.5 for Fiscal Year 1999 aid;
 45 94,616.5 for Fiscal Year 2000 aid; and

1 ~~91,479.0 for Fiscal Year 2001 aid; and~~

2 ~~80,197.5 for Fiscal Year 2002 aid. That for the purposes of calculating "State aid" in §~~
3 ~~5-202 (b) of the Education Article, the additional funds set forth in Section 7 of this Act shall~~
4 ~~not be considered State aid.~~

5 SECTION 8. 9. AND BE IT FURTHER ENACTED, That the financial
6 commitment enumerated in Section 6 7 of this Act shall be separate from established
7 State funding pursuant to APEX and other current or additional State funds provided to
8 the Baltimore City public schools. If ~~new~~ any new source of revenue becomes available to
9 the State during Fiscal Year 1998 through Fiscal Year 2002, and such revenue is
10 dedicated in whole or in part to education generally, the Baltimore City public schools
11 shall receive its designated share of those revenues without reduction of the additional
12 funds detailed in the consent decrees referenced in Section 6 7 of this Act. Furthermore,
13 the additional State funds described in Section 6 7 of this Act and the consent decrees
14 may not be provided by reducing any other State funds provided to Baltimore City.
15 Nothing in this Act, however, shall prevent the Governor or the General Assembly from
16 reducing local aid to Baltimore City as part of any general statewide reduction in local aid
17 for a special project or purpose. Baltimore City may not use any of this additional funding
18 to meet any statutory obligation to maintain levels of local funding for education.

19 ~~SECTION 9. AND BE IT FURTHER ENACTED~~, That each collective bargaining
20 ~~agreement that is in effect on the effective date of this Act shall remain in force and~~
21 ~~effect through June 30, 1997. The New Baltimore City Board of School Commissioners~~
22 ~~shall review each of these agreements to determine if the provisions of the agreement are~~
23 ~~consistent with the purposes of the Master Plan and may negotiate changes to an~~
24 ~~agreement.~~

25 SECTION 10. AND BE IT FURTHER ENACTED, That each existing extended
26 or continued collective bargaining agreement including all memoranda of understanding
27 for Baltimore City public school employees that is in effect on the effective date of this
28 Act shall remain in full force and effect through June 30, 1997. These agreements
29 including memoranda of understanding shall remain in full force and effect thereafter,
30 except as otherwise modified by this Act, until the New Baltimore City Board of School
31 Commissioners negotiates changes to the agreements. Additionally, the New Baltimore
32 City Board of School Commissioners shall review each of these agreements to determine
33 if the provisions of the agreement are consistent with the purposes of the Master Plan and
34 may negotiate changes to an agreement.

35 SECTION 11. AND BE IT FURTHER ENACTED, That the New Baltimore City
36 Board of School Commissioners shall initially recognize and bargain with each employee
37 organization that, prior to the effective date of this Act, was recognized as a bargaining
38 agent for a unit that included any Baltimore City public school employees as defined by
39 either § 6-501(f) of the Education Article, as amended by this Act, or the Baltimore City
40 Municipal Employee Relations Ordinance. Subsequently, the designation of the exclusive
41 representative employee organization and the determination of the composition of the
42 units shall be in accordance with Title 6, Subtitles 4 and 5 of the Education Article. All
43 collective bargaining agreements for the certificated and noncertificated employees of the
44 New Baltimore City Board of School Commissioners shall be separate agreements from
45 the collective bargaining agreements for the employees of the City of Baltimore.

1 SECTION 12. AND BE IT FURTHER ENACTED, That, pending establishment
2 of the personnel system under § 4-311 of the Education Article, as enacted by this Act, all
3 nonprobationary, noncertificated employees of the Baltimore City Public School System
4 may be dismissed only for cause in accordance with the provisions of § 4-205(c) of the
5 Education Article.

6 SECTION 13. AND BE IT FURTHER ENACTED, That the personnel system
7 under § 4-311 of the Education Article, as enacted by this Act, shall include a cause
8 standard for dismissal of noncertificated employees.

9 SECTION 14. AND BE IT FURTHER ENACTED, That the Chief Academic
10 Officer shall develop a mechanism or plan for effective teacher participation in the
11 development of the curriculum, instruction, and professional staff development.

12 SECTION 15. AND BE IT FURTHER ENACTED, That as of the effective date
13 of this Act, all noncertificated employees of the Baltimore City Public School System who
14 are employed by the New Baltimore City Board of School Commissioners and who were
15 covered as civil service employees under the Charter of Baltimore City shall through June
16 30, 1998:

17 (1) Continue to be carried on the official roster of the City civil service;

18 (2) Continue to hold and accrue service credit within the City civil service
19 while employed by the Board as if the employee remained an employee of the Mayor and
20 City Council;

21 (3) Suffer no break in seniority or service for leaving City employment;

22 (4) Remain fully qualified for placement on the reemployment list for his or
23 her former classification and for any other classification for which the employee qualifies;

24 (5) Remain eligible, to the extent qualified, to be placed on any promotion
25 or transfer list issued or maintained under the Charter; and

26 (6) Remain eligible for employment by the Mayor and City Council of
27 Baltimore should the employee be displaced or laid off by the Board by no fault of the
28 employee.

29 SECTION 16. AND BE IT FURTHER ENACTED, That, as of the effective date
30 of this Act, all noncertificated employees of the Baltimore City Public School System who
31 are employed by the New Baltimore City Board of School Commissioners and who were
32 covered as civil service employees under the Baltimore City Charter shall retain, as long
33 as the New Baltimore City Board of School Commissioners is in place, their eligibility,
34 seniority, and continuous service status for the sole purpose of application for
35 reemployment by the Mayor and City Council of Baltimore should the employee be
36 displaced or laid off by the Board through no fault of the employee. This provision applies
37 only to displacement of employees of the New Baltimore City Board of School
38 Commissioners and does not provide for transfer rights of employees between the New
39 Baltimore City Board of School Commissioners and City employment.

40 SECTION 17. AND BE IT FURTHER ENACTED, That, as of the effective date
41 of this Act, each employee of the Baltimore City Public School System shall retain all sick

1 leave, personal leave, and vacation leave to the extent earned and unused as a City
2 employee. Each employee of the Baltimore City Public School System shall retain the
3 right, upon leaving employment with the New Baltimore City Board of School
4 Commissioners, to convert to cash one day of unused sick leave for each 4 days of sick
5 leave accrued prior to the effective date of this Act. Conversion of sick leave accrued after
6 the effective date of this Act shall be subject to negotiation between the New Baltimore
7 City Board of School Commissioners and the employee organization. For the purposes of
8 this section, neither employment with the Board nor transfer between employment with
9 Baltimore City and the Board constitutes separation from employment with Baltimore
10 City.

11 SECTION 18. AND BE IT FURTHER ENACTED, That through December 31,
12 1998, the New Baltimore City Board of School Commissioners shall provide to each
13 employee of the Baltimore City Public School System the same health care benefits at the
14 same employee or participant costs as available through the Mayor and City Council of
15 Baltimore to the civil service employees of the City under the health insurance program of
16 Baltimore City. Thereafter, the Board may opt to continue with the Baltimore City health
17 care benefits program or select another benefits program.

18 SECTION 19. AND BE IT FURTHER ENACTED, That:

19 (1) An individual who is an employee of the Baltimore City Public School
20 System on or before the effective date of this Act shall continue as a member of the:

21 (i) Teachers' Retirement System or Teachers' Pension System as a
22 condition of employment, if the individual is a member of the State system; and

23 (ii) Employees' Retirement System of Baltimore City as a condition of
24 employment, if the individual is a member of the City system;

25 (2) Except as provided in paragraph (3) of this section, an individual who
26 becomes an employee of the Baltimore City Public School System after the effective date
27 of this Act shall become a member of the Teachers' Pension System as a condition of
28 employment if the Board of Trustees of the State Retirement and Pension System
29 determines that the individual is eligible for membership in the State system by applying
30 the criteria set forth in § 23-206 of the State Personnel and Pensions Article and
31 COMAR 22.04.03; and

32 (3) An individual shall become a member of the Employees' Retirement
33 System of Baltimore City subject to Article 22, Section 2(a)(1) of the Baltimore City Code
34 if:

35 (i) The individual becomes an employee of the Baltimore Public
36 School System after the effective date of this Act; and

37 (ii) The Board of Trustees of the State Retirement and Pension
38 System determines that the individual is not eligible for membership in the Teachers'
39 Pension System.

40 SECTION 20. AND BE IT FURTHER ENACTED, That on or after the effective
41 date of this Act, the New Baltimore City Board of School Commissioners shall pay:

1 (1) To the Board of Trustees of the State Retirement and Pension System,
2 for each employee of the Baltimore City Public School System who is a member of the
3 Teachers' Retirement System or Teachers' Pension System, any penalty or interest as
4 prescribed by law if member contributions are not paid when and as due; and

5 (2) To the Board of Trustees of the Employees' Retirement System of
6 Baltimore City, for each employee who is a member of the Employees' Retirement
7 System of Baltimore City, employer and employee contributions at the rate and in the
8 manner required by the Board of Trustees.

9 ~~SECTION 10. AND BE IT FURTHER ENACTED, That an appeal from a ruling~~
10 ~~of the Circuit Court for Baltimore City regarding requests for funding for Fiscal Years~~
11 ~~2001 and 2002 in amounts greater than that described in Section 6 of this Act pursuant to~~
12 ~~the terms of the consent decrees described in Section 6 of this Act shall be directed to the~~
13 ~~Court of Appeals on an expedited basis, with the Court of Appeals decision issued within~~
14 ~~60 days after the written briefing is completed.~~

15 ~~SECTION 21. AND BE IT FURTHER ENACTED, That the General Assembly~~
16 ~~does not concede that the students of the Baltimore City Public School System were~~
17 ~~receiving a constitutionally inadequate education, but does wish to improve the~~
18 ~~educational achievements of students in Baltimore City by reforming the management of~~
19 ~~the Baltimore City Public School System and assuring available funds to implement this~~
20 ~~management reform and to improve student achievement.~~

21 ~~SECTION 11- 22. AND BE IT FURTHER ENACTED, That this Act may not~~
22 ~~take effect until the passage of the State Budget Bill by the General Assembly, which~~
23 ~~includes an appropriation of \$30 million in additional funds as described in Section 6 7 of~~
24 ~~this Act for the following purposes: (1) to have a direct and substantial impact on~~
25 ~~improving academic achievement; (2) to improve the educational performance of schools~~
26 ~~having a high percentage of students living in poverty; (3) to improve the educational~~
27 ~~performance of reconstitution eligible schools and other schools that are both failing to~~
28 ~~meet Maryland School Performance Program standards and failing to show progress~~
29 ~~toward meeting those standards; (4) to begin implementation of a new~~
30 ~~performance-based system-wide evaluation system for teachers, principals, and~~
31 ~~administrators; (4) (5) to make progress toward meeting teacher salary parity with~~
32 ~~Baltimore County; (6) to begin implementation of a comprehensive system for accurately~~
33 ~~tracking student enrollment and attendance in accordance with the requirements of the~~
34 ~~Maryland Student Records System Manual with full implementation by January 1, 1999;~~
35 ~~and (5) (7) and (6) to implement other improvements that directly support improved~~
36 ~~classroom instruction, including technology enhancements, individual professional~~
37 ~~development, and curriculum development; except that no portion of the \$30 million may~~
38 ~~be spent to make progress toward teacher salary parity with Baltimore County until a~~
39 ~~performance-based system-wide personnel evaluation system has been developed by the~~
40 ~~New Baltimore City Board of School Commissioners and reviewed and commented on by~~
41 ~~the State Board of Education.~~

42 ~~SECTION 23. AND BE IT FURTHER ENACTED, That the \$30 million~~
43 ~~appropriation in Fiscal Year 1998 as described in Section 7 of this Act shall be disbursed~~
44 ~~to the New Baltimore City Board of School Commissioners as follows: (1) \$15 million on~~
45 ~~July 1, 1997; and (2) \$15 million after adoption by the Board of the Transition Plan as~~

1 required by § 4-311 of the Education Article as amended by this Act, which includes the
2 specific purposes for which the \$30 million will be used, as described in Section 22 of this
3 Act.

4 SECTION 24. AND BE IT FURTHER ENACTED, That, if the General
5 Assembly fails to appropriate the funds for any of the fiscal years described in Section 6
6 7 of this Act, this Act shall be abrogated effective on the last day of the last fiscal year for
7 which funds were appropriated.

8 SECTION 25. AND BE IT FURTHER ENACTED, That upon appointment, the
9 New Baltimore City Board of School Commissioners shall expeditiously establish a new
10 financial reporting system which adequately tracks and reports school and system
11 expenditures by function and by program for each school site and for the total system
12 using an established financial model that can apply to all school systems. The financial
13 reporting system should enhance the Board's ability to make informed decisions and the
14 public's awareness of how public funds are spent. Reports using this model should be in
15 place by July 1, 1998, in order to provide for public reporting of Fiscal Year 1999
16 expenditures.

17 SECTION 26. AND BE IT FURTHER ENACTED, That by November 1, 1997, a
18 financial audit of the Baltimore City Public School System shall be performed by an
19 independent auditor to reconcile the financial accounts of the school system.

20 SECTION 27. AND BE IT FURTHER ENACTED, That the Baltimore City Board
21 of School Commissioners shall initiate a search process for a permanent Chief Executive
22 Officer (CEO) no later than 30 days after appointment. The Board may appoint an
23 interim CEO if it is not feasible to hire a permanent CEO immediately, and must appoint
24 an interim CEO no later than June 15, 1997. The interim CEO shall not be eligible for
25 appointment as the permanent CEO. The Board must appoint a permanent CEO no later
26 than October 30, 1997, unless extenuating circumstances exist as determined by the
27 Board, in consultation with the State Board of Education. In this event, the Board must
28 appoint a permanent CEO no later than December 31, 1997.

29 SECTION 28. AND BE IT FURTHER ENACTED, That (i) the appointment of
30 the members of the Parent and Community Advisory Board described in § 4-208 of the
31 Education Article, as enacted by this Act, shall be as follows:

32 (i) The Plaintiffs (parents of students with disabilities) in Vaughn-Gu
33 et al v. Meyer and City Council, et al Case No. MIG 84-1911, United States District
34 Court for the District of Maryland shall appoint three members of the Advisory Board.

35 (ii) The Plaintiffs (parents of students in general education) in
36 Bradford, et al v. Maryland State Board of Education, et al, Case No.
37 94340058/CE189672, Circuit Court for Baltimore City shall appoint two members of the
38 Advisory Board.

39 (iii) Subject to the approval of the Board, the Chief Executive Officer
40 shall appoint seven members of the Advisory Board as follows:

41 1. Three shall be appointed from a list submitted by the
42 Baltimore City Council of Parent Teacher Associations;

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is entered into this JUN 24 1998 day of _____, 1998, between the New Baltimore City Board of School Commissioners of the Baltimore City Public School System ("Board") and the Mayor and City Council of Baltimore ("City"):

1. This Memorandum shall cover the period from the date of its execution through the date of its termination, unless otherwise stated herein.
2. The purpose of this Memorandum is to set forth the understanding and agreement between the Board and the City, specifying their respective responsibilities in the implementation of certain uncoded Sections 3 and 4 of Senate Bill 795, 1997 Acts of Md., Ch. 105 ("Partnership Legislation"), as follows:

Section 3: AND BE IT FURTHER ENACTED, That on the effective date of this Act, all functions, powers, duties, equipment, assets, liabilities, and all the certificated and noncertificated employees of the Baltimore City Public School System shall be transferred to the New Baltimore City Board of School Commissioners and to the Chief Executive Officer of the Board. If assets are not sufficient to fund liabilities transferred, the liabilities shall be retained by the Mayor and City Council

Section 4: AND BE IT FURTHER ENACTED, That all services provided to the Baltimore City Public School System by other units of the Baltimore City Government as of the effective date of this Act that are not otherwise specifically altered by this Act shall continue to be provided to the New Baltimore City Board of School Commissioners without diminution on the same basis and without any increase in any rate of compensation, unless and until otherwise provided by agreement between the Mayor and City Council and the New Baltimore City Board of School Commissioners; however, any agreement shall be submitted for review and comment to the House Appropriations and Ways and Means Committees and the Senate Budget and Taxation and Economic and Environmental Affairs Committees of the General Assembly on or before March 1 of the calendar year in which the agreement would take effect.

3. The City shall retain legal title to all property, real and personal, including land, buildings, fixtures, furniture, and equipment, obtained by the City on behalf of the Department of Education prior to July 1, 1997. The Board shall have the rights of use and possession of such property through the duration of the Partnership Legislation, unless otherwise determined by State law.
4. All real property, including land, buildings, and fixtures, including new construction or renovation, acquired or constructed by the Board on or after July 1, 1997, regardless of the funding source, shall be titled in a manner consistent with the other Local Education Agencies ("LEAs") in the State of Maryland through the duration of the Partnership Legislation, unless otherwise determined by State law.
5. The City's Department of Real Estate shall continue to provide the Board with the services of lease negotiation and preparation. All leases shall be prepared in accordance with applicable State laws. All real estate transactions, including, but not limited to, rights-of-way, easements, and surplusing of property, shall be approved in a manner consistent with the other LEAs through the duration of the Partnership Legislation, unless otherwise determined by State law. The Board shall take no actions with respect to real property titled to the City that, if taken by the City, would be prohibited by the City's Charter.
6. The City's Department of Real Estate shall continue to monitor Day Care activities for the Board.
7. The City and the Board shall consult and, as appropriate, reach joint-use agreements for the use of the City's Department of Recreation and Parks facilities located on or near school sites.
8. Effective July 1, 1997, the City shall continue from that date forward to be responsible for the funding of all principal and interest payments for the outstanding

and issued general obligation bond debt issued to benefit the Department of Education.

9. The Board shall continue to participate in the City's Risk Management Program ("Program") through the duration of the Partnership Legislation, until and unless otherwise provided by any subsequent agreement pursuant to uncodified Section 4. The Board's assessment for continuing participation in the Program shall not include any amounts to cover underfunding of liabilities for the general fund of the Program that existed on June 30, 1997. The City and the Board shall reach agreement on an assessment formula for the Board to pay its appropriate share of the general fund for new claims beginning with the 1998 fiscal year and for the continuing costs of existing claims. The City agrees to provide to the Board a cost report showing the details of any proposed assessments.
10. Effective January 1, 1998, payroll checks issued to the Board's personnel shall be signed by the Board's Chief Executive Officer and Chief Financial Officer and issued by the Board.
11. The City and the Board shall consult and reach agreement on joint participation in improvements for data processing of personnel information.
12. The City and the Board currently are discussing the possible future transfers to the Board of other operational functions now performed by the City. As part of any transfer discussions, the parties shall work collaboratively to resolve all issues before any final action is taken as to any transfer.
13. The City and the Board shall consult and reach agreement on any proposed policy changes or changes through collective bargaining that would affect the City before any changes are implemented.


14. The City shall continue to provide all services to the Baltimore City Public School System except as detailed in the attached Memorandum entitled "Changes in Operational Functions Between the New Baltimore City Board of School Commissioners of the Baltimore City Public School System and the Mayor and City Council of Baltimore" ("Exhibit A"), until and unless otherwise provided by any subsequent agreement pursuant to uncodified Section 4. If the Board is considering any changes to the current operational functions performed by the Board that would affect the City, then the City and the Board shall consult and reach agreement before any changes are implemented.
15. Should the Partnership Legislation be terminated at any time, all assets titled in the name of the Board shall automatically vest in the City as of the date of termination, unless otherwise determined by the City or State law.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be signed in their respective names by their respective duly authorized officers, on the day and year first above written.

ATTEST:

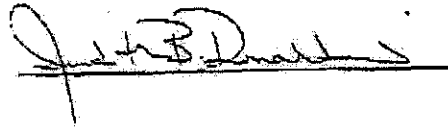
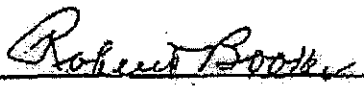
MAYOR AND CITY COUNCIL
OF BALTIMORE:


G. Louise Green
Custodian of the City Seal

By:  (seal)
Kurt L. Schmoke
Mayor

WITNESS:

NEW BALTIMORE CITY BOARD
OF SCHOOL COMMISSIONERS


By:  (seal)
Dr. Robert Booker
Chief Executive Officer

APPROVED BY THE CITY
BOARD OF ESTIMATES:

Bernice D. Taylor
B. Harriette Taylor
Clerk

JUN 24 1998
Date

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Merle Ann Beck 6/18/98
Merle Ann Beck
Associate Solicitor

APPROVED BY THE NEW BOARD
OF SCHOOL COMMISSIONERS:

Dr. J. Tyson Tilton
Dr. J. Tyson Tilton
Chairman

7/23/98
Date

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Abbey G. Hairston 7/21/98
Abbey G. Hairston
Counsel to the New Board

Being page five of a five-page Memorandum of Understanding between the New Baltimore City Board of School Commissioners of the Baltimore City Public School System and the Mayor and City Council of Baltimore